

**ARTICLES IN THE WARRANT**

**FOR THE**

**SPECIAL TOWN MEETING**

**TOWN OF CHATHAM**

**MONDAY, OCTOBER 26, 2009**

**6:30 P.M.**

**WITH**

**RECOMMENDATIONS OF**

**BOARD OF SELECTMEN**

**AND**

**FINANCE COMMITTEE**

**CHATHAM HIGH SCHOOL**

**425 CROWELL ROAD**

**COMMONWEALTH OF MASSACHUSETTS**

**TOWN OF CHATHAM  
SPECIAL TOWN MEETING WARRANT  
MONDAY, OCTOBER 26, 2009**

**THE COMMONWEALTH OF MASSACHUSETTS**

Barnstable, ss.

**GREETINGS:**

To any of the Constables in the Town of Chatham in the County of Barnstable.

IN THE NAME OF THE COMMONWEALTH OF MASSACHUSETTS, you are hereby directed to NOTIFY and WARN the INHABITANTS OF THE TOWN OF CHATHAM, qualified to vote in elections and Town affairs to meet in the gymnasium of the Chatham High School on Crowell Road in said Chatham on the 26th day of October at 6:30 o'clock in the evening, then and there to act on any business that may legally come before said meeting.

**Resolution:** Resolved that the Town vote to adopt the following rules of procedure for the Special Town Meeting of October 26, 2009.

- A) The Moderator shall have the option of reading each Article in the Warrant verbatim or summarizing the subject matter therein in general terms, at his discretion.
- B) Upon an Article having been disposed of by vote, the Moderator shall entertain a motion to reconsider said Article or to accept a Resolution pertaining to said Article only during the same session during which said vote was acted upon.
- C) A motion to move the previous question shall require a two-thirds vote and may not be debated.
- D) The Moderator shall not accept a motion to move the previous question by any person discussing the Article until after an intervening speaker has discussed the Article.
- E) A non-voter may request the privilege of addressing the meeting on a motion made under any Article or Resolution offered, the request to be granted by the Moderator unless there is an objection by a voter. Upon objection, the Moderator shall poll the meeting by voice or count, at his discretion, and a majority vote in favor shall entitle said non-voter to address the meeting. However, the Moderator may grant the privilege of the floor to any non-resident Town Department Head without necessity of a vote.
- F) The Moderator shall not entertain the question of the presence of a quorum at any point at which a motion to move the previous question has already been voted.
- G) Speakers addressing the meeting shall be limited to five (5) minutes within which to present their remarks. The Moderator will not recognize anyone who has previously spoken on the Article until all persons wishing to address the meeting have had an opportunity to speak. The Moderator may exercise reasonable discretion in enforcement of this rule.

The foregoing rules are not intended to alter or change the traditional conduct of the Town Meetings in Chatham except as specifically stated above.

### **Article 1 – Barn Hill Road – Sewer Pump Station**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article, or take any other action in relation thereto.

(Board of Selectmen)

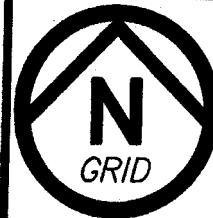
**Motion:** By Ronald Bergstrom, Chair, Board of Selectmen  
I move that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances on Lot 9C-28-H1 thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

**Speaker:** Robert Duncanson, Ph.D., Director of Health & Environment

**Explanation:** *This easement is critical for the locating of a sewer pump station that is an integral part of the Initial Implementation of the expanded wastewater collection system necessary to address the impacts of nitrogen on our embayments and estuaries and for the overall protection of our groundwater and surface water resources.*

**Board of Selectmen Recommendation:** Approve 5-0-0

**Finance Committee Recommendation:** Recommendation from Town Meeting Floor



## Easement Sketch

**HABCHILL DRACELL**  
Pumping Station 44, Chatham, Massachusetts

#	Description of Revision	Date

**Town of Chatham**

**Eldredge Surveying  
& Engineering, LLC**

1038 Main Street, Chatham, MA 02633 (508) 945-3965; Fax: (508) 945-5885

Date: 10-01-2009

**Scale:** 1" = 40'

Project No.:  
C-3146-03.0

Sheet No.: 1 of 1



## **Article 2 - Horse Shoe Lane – Sewer Pump Station**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article, or take any other action in relation thereto.

(Board of Selectmen)

**Motion:** By Florence Seldin, Clerk, Board of Selectmen  
I move that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances on Lot 10D-CA-S9A thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

**Speaker:** Robert Duncanson, Ph.D., Director of Health & Environment

**Explanation:** *This easement is critical for the locating of a sewer pump station that is an integral part of the Initial Implementation of the expanded wastewater collection system necessary to address the impacts of nitrogen on our embayments and estuaries and for the overall protection of our groundwater and surface water resources.*

**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**



### **Article 3 - Huckelberry Lane – Sewer Pump Station**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article, or take any other action in relation thereto.

(Board of Selectmen)

**Motion:** By David Whitcomb, Board of Selectmen  
I move that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances on Lot 5E-19-K3 thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

**Speaker:** Robert Duncanson, Ph.D., Director of Health & Environment

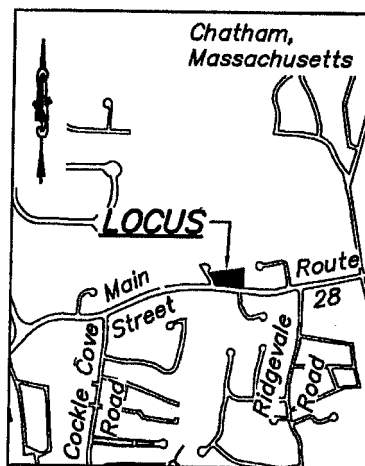
**Explanation:** *This easement is critical for the locating of a sewer pump station that is an integral part of the Initial Implementation of the expanded wastewater collection system necessary to address the impacts of nitrogen on our embayments and estuaries and for the overall protection of our groundwater and surface water resources.*

**Board of Selectmen Recommendation:** Approve 5-0-0

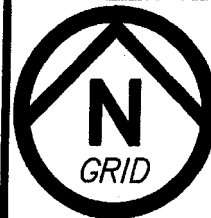
**Finance Committee Recommendation:** Recommendation from Town Meeting Floor

# Assessors' Map 5E, Parcel K3

Owner of Record  
The Chatham Conservation Foundation, Inc.  
Certificate Number 160,351  
Land Court Plan 41,279-A, Lot 3



KEY MAP



## Easement Sketch

Pumping Station 51, Chatham, Massachusetts

Date

Description of Revision

#

## Town of Chatham

**Eldredge Surveying  
& Engineering, LLC**

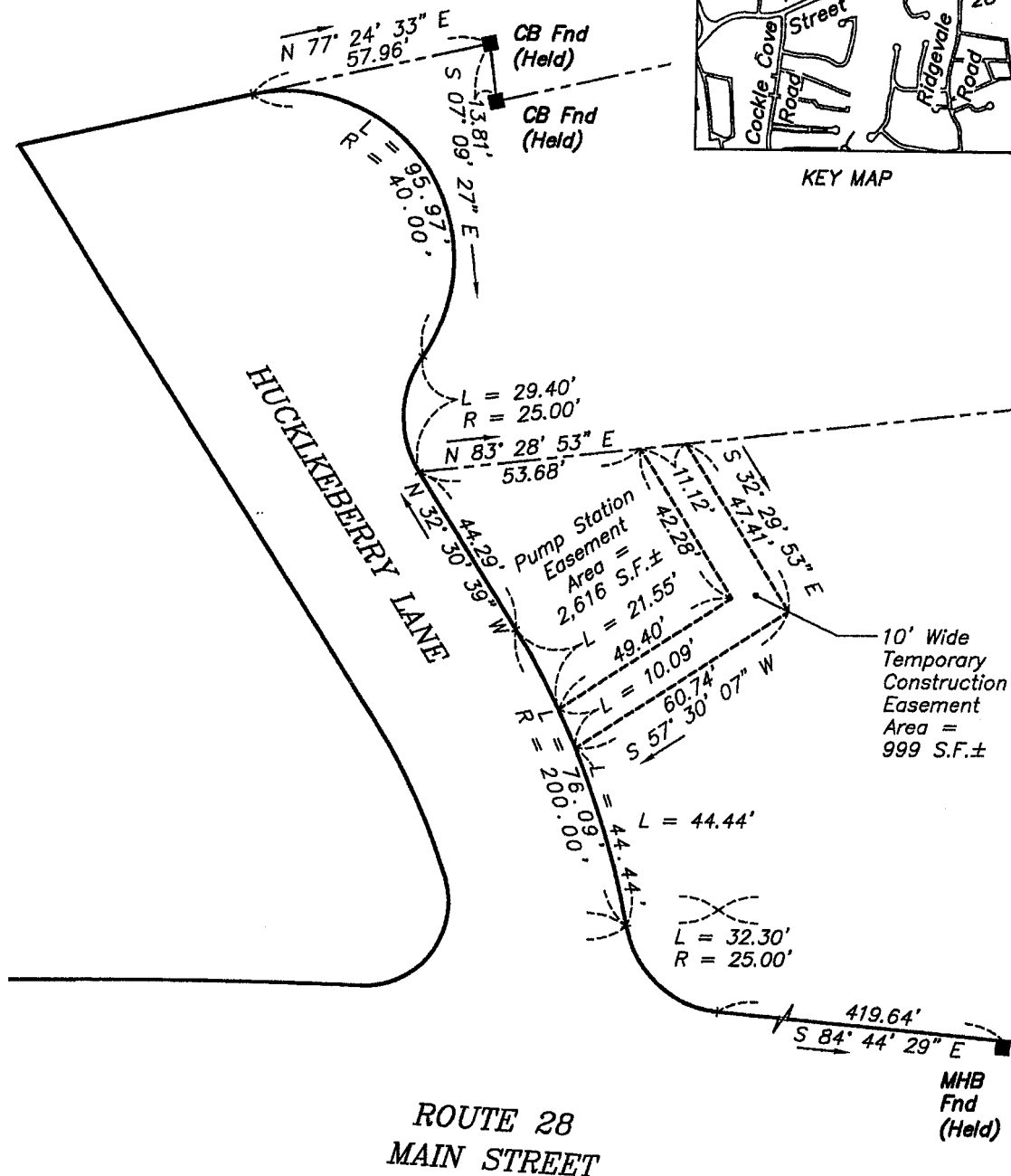
1038 Main Street, Chatham, MA 02633 (508) 945-3965; Fax: (508) 945-5895

Date: 10-01-2009

Scale: 1" = 40'

Project No.: C-3146-03.0

Sheet No.: 1 of 1



#### **Article 4 - Lime Hill – Sewer Pump Station**

To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article or take any other action in relation thereto.

(Board of Selectmen)

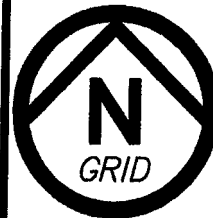
**Motion:** By Leonard Sussman, Vice-Chair, Board of Selectmen  
I move that the Town vote to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain a permanent easement for the purposes of the construction, installation, use, maintenance and operation of a sewer pump station and all necessary appurtenances on Lot 12F-2A-P22 thereto as shown on the accompanying sketch and to authorize the Board of Selectmen to do all things necessary to carry out the provisions of this article.

**Speaker:** Robert Duncanson, Ph.D., Director of Health & Environment

**Explanation:** *This easement is critical for the locating of a sewer pump station that is an integral part of the initial Implementation of the expanded wastewater collection system necessary to address the impacts of nitrogen on our embayments and estuaries and for the overall protection of our groundwater and surface water resources.*

**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**



# Easement Sketch

Pumping Station 37, Chatham, Massachusetts

Date

Description of Revision

#

Town of Chatham

**Eldredge Surveying  
& Engineering, LLC**

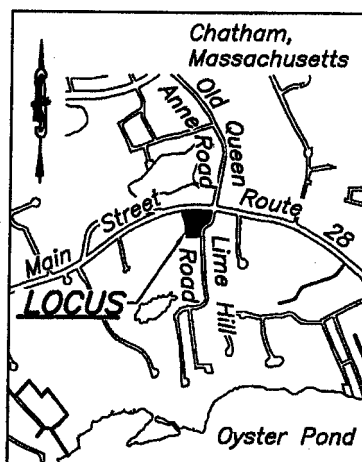
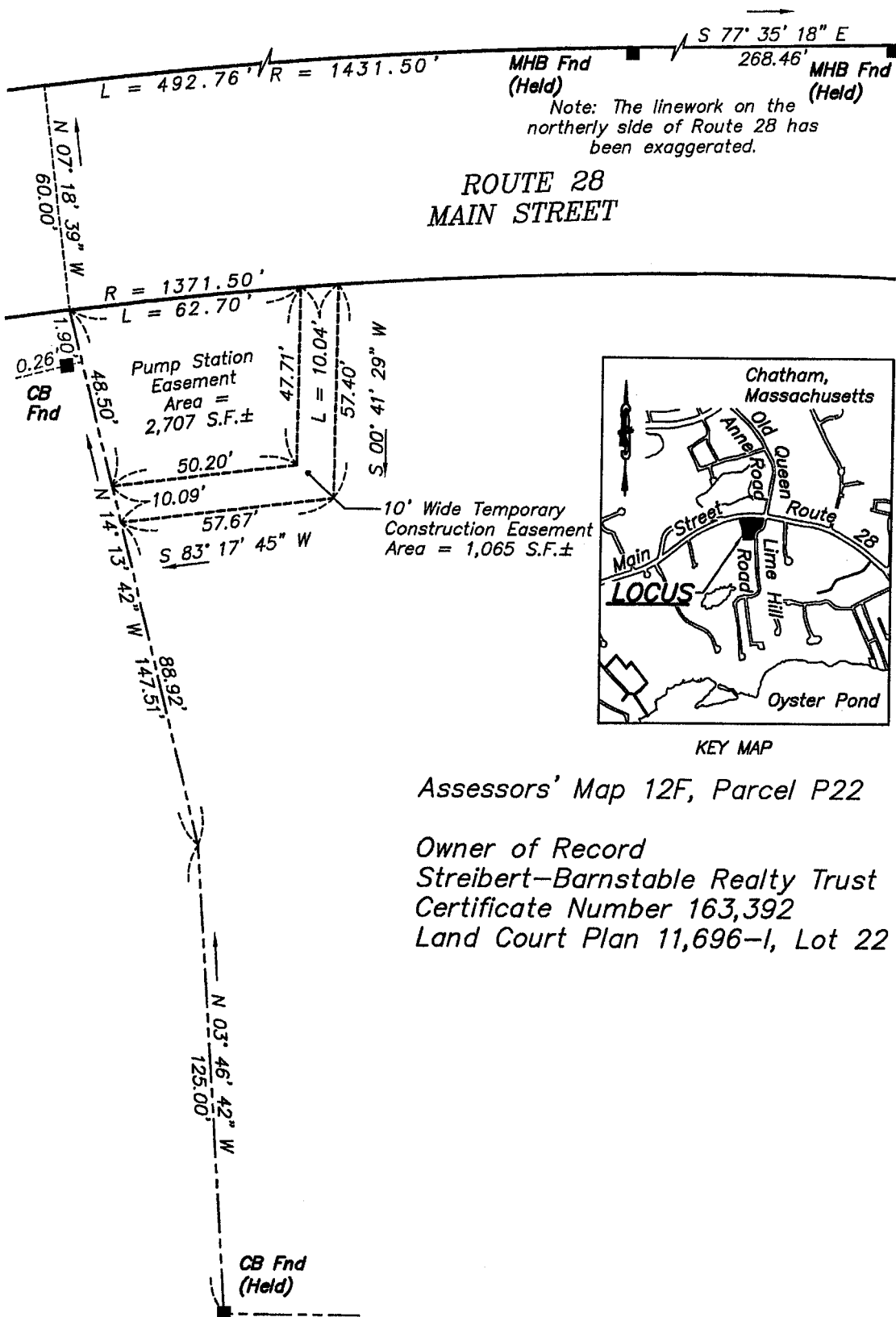
1038 Main Street, Chatham, MA 02633 (508) 945-3965; Fax: (508) 945-5885

Date: 10-01-2009

Scale: 1" = 40'

Project No.: C-3146-03.0

Sheet No.: 1 of 1



KEY MAP

Assessors' Map 12F, Parcel P22

Owner of Record  
Streibert-Barnstable Realty Trust  
Certificate Number 163,392  
Land Court Plan 11,696-I, Lot 22



## **Article 5 – Schedule of Dimensional Requirements**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

To see if the Town will vote to amend, **Appendix II. Schedule Of Dimensional Requirements, Footnote 6.**, as follows:

- ~~6. A building may contain either a finished basement or a finished attic but in no case shall both attic and basement areas be used as habitable space.~~

Including, renumbering the footnote references in the **Appendix II** Table and the remaining footnotes to account for the above deletion.

Or take any other action in relation thereto.

(Planning Board)

**Motion:** By Mark Zibrat, Chair, Planning Board  
I move that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

**Speaker:** Mark Zibrat, Chair, Planning Board

**Explanation:** *This article proposes the elimination of Footnote #6 in the Schedule of Dimensional Requirements. Footnote #6 prohibits a building from containing both a finished basement and finished attic as habitable space. The recommendation to remove this prohibition is based upon the propensity of some homeowners to finish these spaces without permits, potentially compromising life safety by not providing adequate egress and/or improperly enclosing furnaces. Proposals to finish such spaces would still be subject to Board of Health regulations on limiting bedrooms based upon lot size and/or septic system capacity.*

**Planning Board Recommendation: Approve 7-0-0**

**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**

## **Article 6 – Apartment Incidental Zoning Definition**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, by adding the following new definition, as follows:

10. "APARTMENT, INCIDENTAL TO AN INDUSTRIAL USE" means a dwelling unit located either within an industrial structure, or on a lot in an industrial zone where at least 51% of the total floor area of the building(s) above finish grade is utilized for industrial purposes.

Including the renumbering of **Subsection B.** accordingly to account for adding the above new definition.

Or take any other action in relation thereto.

(Planning Board)

**Motion:** By Mark Zibrat, Chair, Planning Board  
I move that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

**Speaker:** Mark Zibrat, Chair, Planning Board

*Explanation: Town Meeting in 2002 added the phrase "... and Industrial" to the Apartment Incidental to a Commercial Use in Section VII. Special Regulations. This "housekeeping" article proposes to reconcile Section II - Definitions with the 1992 Section VII change by adding a new definition "Apartment, Incidental to an Industrial Use". This new definition does not change the way the Bylaw has been enforced for Apartments Incidental in the Industrial zones, which will still require a minimum of 51% of the total floor area be devoted to an industrial use.*

**Planning Board Recommendation: Approve 7-0-0**

**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**

#### Article 7 – Special Permit Period

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

To see if the Town will vote to amend, **Appendix VIII. Administration, Paragraph A. Enforcement, Subsection 4**, as follows:

4. A Special Permit shall lapse ~~one~~ two years from the date the Special Permit Granting Authority files its written decision with the Town Clerk, ~~in~~excluding such time required to pursue or await the determination of an appeal under General Laws, Chapter 40A, Section 17.

Or take any other action in relation thereto.

(Planning Board)

**Motion:** By Mark Zibrat, Chair, Planning Board  
I move that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

**Speaker:** Mark Zibrat, Chair, Planning Board

**Explanation:** *The proposed language changes to Section VIII - Enforcement are intended to reconcile with the Zoning Board of Appeals' existing practice of allowing two years for a Special Permit to lapse versus the one year cited in the Bylaw. The Article also clarifies that this two-year time period does not include any time a project is subject to an appeal under MGL Chapter 40A, Section 17.*

**Planning Board Recommendation: Approve 7-0-0**

**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**

### **Article 8 – Site Plan Review Thresholds**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, as follows:

27. **“CHANGE OF USE”** means the establishment, erection, enlargement or change of a use in an existing commercial or industrial space of a business from a different use category than the existing business; the establishment in an existing commercial or industrial space of a business with a larger customer area than the existing business; or the establishment in an existing commercial or industrial space of a business which the Zoning Officer determines may require more parking than the existing business where the resulting use constitutes a different category as indicated in Appendix I – Schedule of Use Regulations, or a use which by reason of its normal operation would cause readily observable differences from the existing use in one or more of the following: patronage, service, noise, employment, appearance, parking, traffic or other similar characteristics.

And add the following new definition,

45. **“FLOOR AREA, GROSS”** means the sum of the floor area, expressed in square feet, of all floors, within the perimeter of the outside walls of the building(s) under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features. If any room in a building(s) has a sloping ceiling, any portion of the room measuring less than five feet (5') from the finished floor to the finished ceiling shall not be included in any computation of the gross floor area.

Including the renumbering of **Subsection B.** accordingly to account for adding the above new definitions.

And, amend, **Section VI., Supplementary Regulations, A. Site Plan Review** as follows:

A. **Site Plan Review**

1. **Applicability**

Except as otherwise provided herein no use shall be established, erected, enlarged or changed except in conformity with a Site Plan approved and endorsed by the Planning Board. Site Plan Approval shall be required for all uses, including as of right uses except single-family dwellings and their accessory structures, approved home occupations, agricultural and fishing uses, roadside stands, and those uses permitted in Conservancy Districts as set forth in Section IV A of this Bylaw.

Notwithstanding anything to the contrary, the provisions of this Section shall apply to the following:

1. The establishment of a use in an existing commercial or industrial space of a business with a larger customer area than the existing business.
2. The establishment of a use in an existing commercial or industrial space of a business which may require more parking than the existing business, regardless of the number of parking spaces actually physically provided for the site.
3. The re-establishment of a use in an existing commercial or industrial space of a business that has been discontinued or unused for a period of four (4) years or more.
4. Any new construction and/or any addition or alteration to existing structures which expands the gross floor area by more than 20%.
5. Any activity proposed for an existing structure or lot resulting in a *Change of Use* as defined in Section II – Definitions.
6. Any project resulting in an increase in either A.M. or P.M. peak hour traffic demand according to latest version of the Institute of Transportation Engineers' (ITE) "Trip Generation" manual.
7. Uses requiring a Special Permit in the GB, SB or I Zoning Districts.
8. Any activity that would affect drainage (e.g. conversion of surface, increase of area, etc.), utilities, lighting or sewage disposal requirements.

Applicants with prospective projects that would otherwise be exempt from these provisions may request an Informal Site Plan Review to assist them in their planning.

Changes of tenants/establishments occupying existing structures or lots that do not meet any of the above applicability criteria are exempt from Site Plan Review.

The Planning Board shall have the authority to require the applicant, at his/her expense, to obtain an independent Traffic Study, in order to enable the Board to determine whether substantial traffic differences exist between the proposed use and the existing use of the property.

Site Plan Review or the approval of a Site Plan does not preclude a separate requirement for a Special Permit pursuant to any other provision of this Bylaw.

Or take any other action in relation thereto.

(Planning Board)

**Motion:** By Mark Zibrat, Chair, Planning Board  
I move that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

**Speaker:** Mark Zibrat, Chair, Planning Board

**Explanation:** *In order to “cast a wider net” of projects requiring Site Plan Review, the Planning Board is proposing changes to the threshold criteria for Applicability. These augmented thresholds, modification of the “Change of Use” definition and addition of a new “Gross Floor Area” definition are intended to subject a broader range of projects, especially those within the same use category, to Site Plan Review by the Planning Board. For example, under the current provisions of the Bylaw, an existing restaurant changing to a different restaurant (provided there are no physical changes to the site) would not require Site Plan Review. This article proposes that such projects would be subject to review if there is an increase in AM or PM peak traffic, discontinuance of use greater than four years, a larger customer area or readily observable differences including: patronage, service, noise, employment, appearance, parking, traffic or other similar characteristics. The Planning Board recognizes the need to make changes to rest of the Site Plan Review section and has put forward this proposal at this time to close jurisdictional loopholes as quickly as possible. The Planning Board plans to bring changes to the remaining section of Site Plan Review to a subsequent Town Meeting.*

**Planning Board Recommendation: Recommendation from Town Meeting Floor**

**Board of Selectmen Recommendation: Recommendation from Town Meeting Floor**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**

## **Article 9 – Projections/Accessory Buildings and Structures**

~~Strikethrough~~ indicates language proposed for deletion

Underline indicates language proposed for inclusion

*Italicized Words* are defined in either the existing Bylaw or in the following proposed amendments

To see if the Town will vote to amend its Protective (Zoning) Bylaw, **Section II., Definitions, Subsection B.**, as follows:

- 93.** **“SHED, GARDEN STORAGE”** means a single story, accessory structure, 25 sq. ft. to 100 sq. ft., used for the shelter or storage of tools and/or equipment incidental to the lot’s principal use.
- 94.** **“SHED, UTILITY”** means a single story accessory structure, 25 sq. ft. to 100 sq. ft. used for the housing and operation of mechanical pumps, filters, generators, condensers, air conditioners, power shop tools and used in a manner that generates and emits noise on a continuous or regular basis.

Including the renumbering of **Subsection B.** accordingly to account for adding the above new definitions.

And, amend, **SECTION III - D. District Area Regulations, 3. Specific Requirements** as follows:

### **f. Projections**

#### **Architectural Features**

Uncovered or unenclosed ~~Steps~~; landings and landing platforms from entry doors providing a means of egress and stoeps not exceeding thirty (30) square feet in area; eaves and cornices, bay or bow windows which do not add floor area, do not project more than two feet (2’) and are not longer than eight feet (8’) in total length; chimneys; standard bulkheads; and attached, enclosed outdoor showers not exceeding thirty (30) square feet in area; shall not extend more than 1/3 the distance into the required setbacks.

Eaves consistent with standard architectural design; cornices; and fences of less than six feet (6’) or less in height or walls three feet (3’) or less in height than from existing grade; are specifically excluded from the setback requirements of this Bylaw except as otherwise regulated herein.

#### **Exterior Mechanical System Appliances**

All exterior mechanical system appliances, located at ground level, including but not limited to air conditioners; condensers; generators; and pumps; shall be set back a minimum of 2/3 the distance of the *Abutters Setback* to the property line as

required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. Placement of exterior mechanical system appliances within the Street Setback area is prohibited, except by Special Permit from the Board of Appeals. All exterior mechanical system appliances located within the Abutters Setback shall be screened from the view of abutters with evergreen plantings and solid fencing to mitigate any potential visual and noise impacts. Exterior mechanical system appliances located at ground level associated with septic systems (e.g. blowers, clarifiers, etc...) shall be screened by measures deemed appropriate by the Building Commissioner.

**g. Accessory Buildings and Structures**

**1. Over 100 square feet in area**

All structures accessory to a residential use, including buildings over one hundred (100) square feet in area, swimming pools and tennis courts and their enclosures, shall be set back from the ~~road~~ street and abutters as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements.

~~There shall be impassable fencing at least four feet (4') in height, around all private, in-ground swimming pools. Buildings accessory to the operation of such swimming pools shall be secured at the discretion of the Building Inspector.~~

**2. Under 100 square feet in area**

**Garden Storage Sheds**

Garden Storage Sheds under 100 square feet in area shall be set back a minimum of 1/3 the distance of the Abutters Setback from the property line as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. Placement of Garden Storage Sheds within the Road Setback area is prohibited, except by Special Permit from the Board of Appeals. The number of Garden Storage Sheds or Utility Sheds intruding into the setback area on a lot shall be limited to no more than one. The Building Height of Garden Storage Sheds shall not exceed 12 feet. One Garden Storage Shed or Utility Shed per lot shall be exempted from the coverage requirements in Appendix II – Schedule of Dimensional Requirements.

**Utility Sheds**

Utility Sheds under 100 square feet in area shall be set back a minimum of 2/3 the distance of the Abutters Setback to the property line as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements. Placement of Utility Sheds within the Road Setback area is prohibited, except by Special Permit from the Board of Appeals. The number of Utility Sheds or Garden Storage Sheds intruding into the setback area on a lot shall be limited to no more than one.

The Building Height of *Utility Sheds* shall not exceed 12 feet. All *Utility Sheds* located within the *Abutters Setback* shall provide interior measures for sound mitigation and/or shall be screened from the view of abutters with evergreen plantings and solid fencing to mitigate any potential visual and noise impacts at the discretion of the Building Commissioner. One *Utility Shed* or *Garden Storage Shed* per lot shall be exempted from the coverage requirements in Appendix II – Schedule of Dimensional Requirements.

3. Under 25 square feet in area

Single story structures under 25 square feet in area and six feet (6') in height or less shall be set back a minimum of 1/3 the distance of the *Abutters Setback* from the property line as required for buildings and structures in Appendix II, Schedule of Dimensional Requirements.

Or take any other action in relation thereto.

(Planning Board)

**Motion:** By Mark Zibrat, Chair, Planning Board  
I move that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

**Speaker:** Mark Zibrat, Chair, Planning Board

**Explanation:** *This Article proposes to specifically enumerate certain allowable projections associated with Architectural Features into setback areas. Provisions have been added limiting the horizontal projection of certain features into 1/3 the distance of the required setbacks. Eaves, cornices, fences less than six feet and walls less than three feet in height would remain excluded from setback requirements unless otherwise regulated in the Bylaw.*

*Also, proposed in this Article is the codification of setbacks for sheds, graduated for each zoning district by requiring a setback of a minimum 1/3 the distance of the abutters' setback from the property line for Garden Sheds (tool storage) and a minimum 2/3 the distance of the abutters' setback from the property line for Utility Sheds (noise emitting). Only one shed per property would be allowed to intrude into the setback areas and the location of sheds in the Road Setback would only be allowed by Special Permit.*

**Planning Board Recommendation: Recommendation from Town Meeting Floor**

**Board of Selectmen Recommendation: Recommendation from Town Meeting Floor**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**

## **Article 10 – GB3 Zoning Map Change**

To see if the Town will vote to amend the map accompanying the Protective Bylaw entitled **Town of Chatham – Zoning Map** by extending the limits of the **GB3 (General Business) Zoning District** to include the entire parcel identified by Assessors Map 13E-37-C29, over the portion of which is currently located within the **R40 (Residential 40,000)**, or take any other action in relation thereto.

Or take any other action in relation thereto.

(Board of Selectmen)

**Motion:** By, Sean Summers, Board of Selectmen  
I move that the Town vote to amend its Zoning Bylaw as printed in the Warrant.

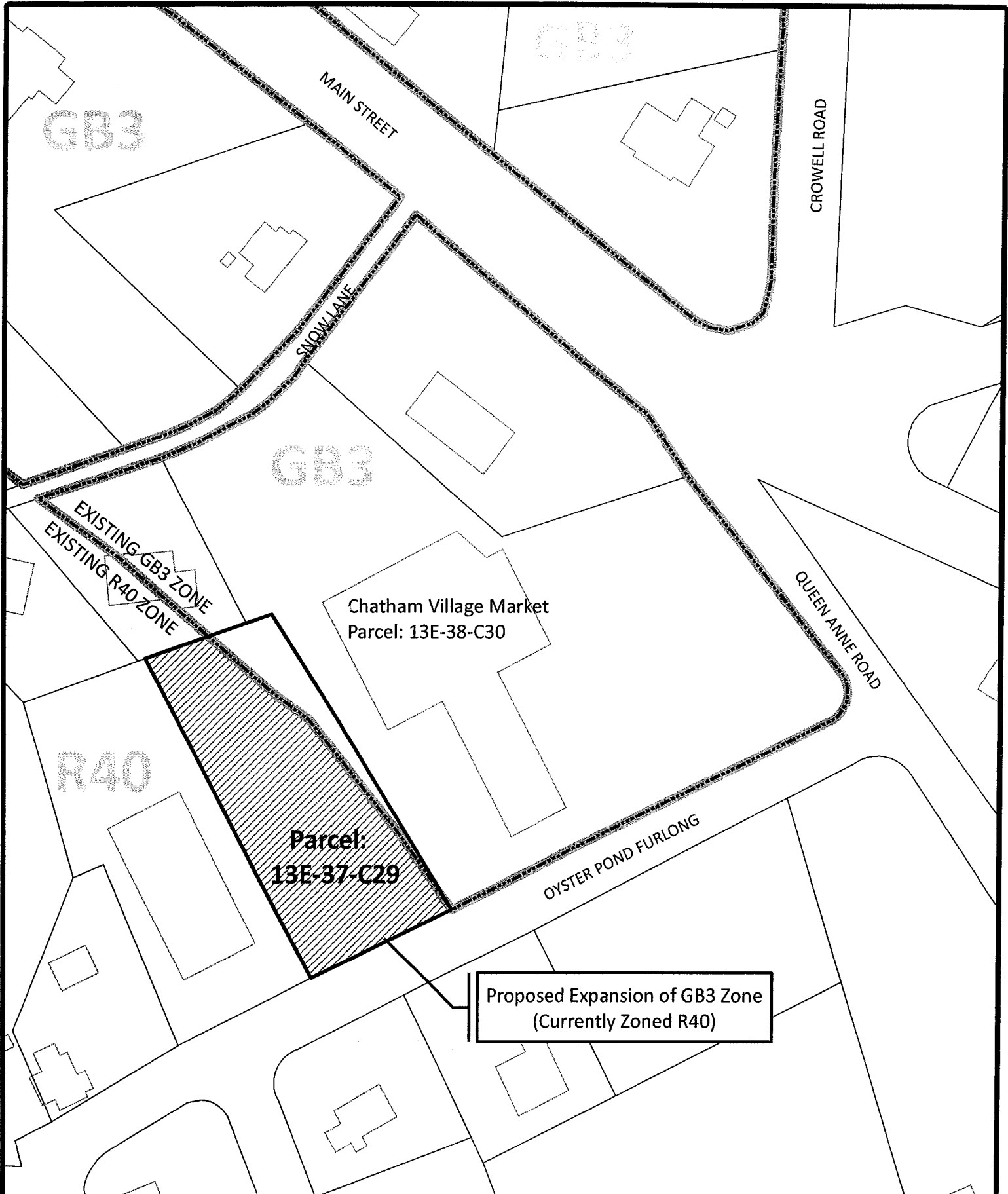
**Speaker:** Sean Summers, Board of Selectmen

**Explanation:** *Rezoning the portion of the subject lot (the rear lot of the Chatham Village Market site) from R40 to GB3 would allow property owners “access to the process” to file for an expanded project including the Chatham Village Market. Approving such a zone change provides greater design flexibility to accommodate site needs, by moving the required 25 foot buffer between Residential and Business zones back towards the western property line as opposed to the eastern portion of the lot as it is currently zoned (which was originally established simply as 300 feet from Main Street without consideration to the lot line). Approval of this Article will not infer approval of any concept plan or obviate the need for such a project on the Chatham Village Market site to obtain Special Permit and Site Plan Approval from the Zoning Board of Appeals and the Planning Board respectively.*

**Planning Board Recommendation: Recommendation from Town Meeting Floor**



**Board of Selectmen Recommendation: Approve 5-0-0**

**Finance Committee Recommendation: Recommendation from Town Meeting Floor**



ARTICLE F  
GB3 Zoning Map Change

0 25 50 100 Feet

-  Proposed GB3 Zone
-  Existing Zoning Boundary

And you are directed to serve this Warrant by posting attested copies thereof at the several Post Offices in said Town, fourteen days at least, before the time of holding said meeting. Hereof fail not and make due return of the Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord, Two Thousand and Nine.

\_\_\_\_\_  
Ronald J. Bergstrom, Chairman

\_\_\_\_\_  
Leonard M. Sussman, Vice-Chairman

\_\_\_\_\_  
Florence Seldin, Clerk

\_\_\_\_\_  
Sean Summers

\_\_\_\_\_  
David R. Whitcomb  
Chatham Board of Selectmen

A True Copy, Attest

\_\_\_\_\_  
Julie Smith, Town Clerk

Barnstable, ss.

Pursuant to the written WARRANT, I have notified and warned the inhabitants of the Town of Chatham by posting attested copies of the same in each of the Post Offices of said Town at least fourteen days before October 26, 2009 on \_\_\_\_\_, 2009.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date